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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/345,482	07/01/1999	KENICHI UEDA	0557-4723-2X 1303		
22850	7590 07/01/2005		EXAMINER		
•	PIVAK, MCCLELLAN	TRAN, DOUGLAS Q			
1940 DUKE ALEXANDI	STREET RIA, VA 22314	ART UNIT	PAPER NUMBER		
	•		2624		
			DATE MAILED: 07/01/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	plication No. Applicant(s)					
		09/345,48	2	UEDA ET AL.				
	Office Action Summary	Examiner		Art Unit				
		Douglas C		2624				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)🛛	Responsive to communication(s) filed on 18 April 2005.							
2a)[	This action is <b>FINAL</b> . 2b)⊠	action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition	on of Claims							
4)  Claim(s) 1-51 is/are pending in the application. 4a) Of the above claim(s) 11,12,42 and 43 is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1-10, 13-41,44-49 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.								
Application	on Papers							
9) The specification is objected to by the Examiner.								
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	nder 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>								
		•		a				
Attachment(	(s)	•	Varilon	1				
	of References Cited (PTO-892)		4) Interview Summary (PTO-413)					
3) 🔲 Inform	of Draftsperson's Patent Drawing Review (PTO-94) ation Disclosure Statement(s) (PTO-1449 or PTO/5 No(s)/Mail Date		Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	Me atent Application (PTC	O-152)			

#### **DETAILED ACTION**

#### Election/Restrictions

1. This application contains claims 11-12, and 42-43 drawn to an invention nonelected with traverse on 04/18/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

## Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-10, 13-41, and 44-51 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. For at least independent claims 1, 13, 21, 29, 37, and 44,the omitted element that is the element should indicate where a preselected reference number comes from or being generated by that element before it is compared with the input information.

### Response to Arguments

Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive.

Applicant argued that: "Applicants traverse the outstanding election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together. Under M.P.E.P. 803, a election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding election

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requirement has not established that examining each of the currently-pending claims together would result in an undue burden. "The argument has been fully considered but is not deemed to be persuasive because the total claims which are 51 claims and, of course, which have been established that is be an undue burden to examine each of the noted inventions and claims together. The Examiner agrees with the statement of M.P.E.P 803 in general. However, the statement of M.P.E.P 803 would not been applied to this case including 51 claims and with too many independent claims.

For the above reasons, it is believed that the election is proper if a search and examination can be made a serious burden on the Examiner.

## **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442 or E-mail address is douglas.tran@uspto.gov.

Douglas Q. Tran June 21, 2005

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